

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP NO. 17112 of 2006 (O&M)

DATE OF DECISION: 9.11.2006

Gurjeet Singh

....Petitioner

Versus

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr.K.S. Dadwal, Advocate for the petitioner.

J.S. Khehar, J.(oral)

On account of the death of the petitioner's father on 6.4.2002, the petitioner claimed appointment on compassionate ground as a Constable. This request of the petitioner was declined by the respondents through an order dated 9.11.2005 (Annexure P-6). The order dated 9.11.2005 is subject matter of challenge at the hands of the petitioner through the instant writ petition.

Learned counsel for the petitioner vehemently contends that the solitary reason which weighed with the respondents in rejecting his claim was, that the petitioner did not fulfil the conditions of physical measurements, pertaining to height and chest, prescribed for the post of

Constable, and as such, his request for appointment as a Constable was declined.

The first contention of the learned counsel for the petitioner is that the respondents ought to have relaxed the conditions of the physical standards, as has been done for others similarly situated as the petitioner. In this behalf, learned counsel for the petitioner has placed reliance on the order dated 13.2.2006 passed by the Director General of Police, Punjab, stipulating various relaxations in the standards of height and chest prescribed for induction against the post of Constable.

The issue in hand is a disputed question of fact. In fact, the petitioner in his various representations, appended to the instant writ petition as Annexures P-8 to P-10, has depicted different shortfalls in the standards of height and chest. It is, therefore, apparent, that the petitioner is certainly not trustworthy. The physical standards of height and chest expressed in the instant writ petition are at variance with the representations made by the petitioner. In the peculiar circumstances of the case, it is not possible for us to accept that the petitioner has approached this Court with clean hands. We, therefore, decline to entertain the claim of the petitioner in the exercise of our extraordinary jurisdiction under Article 226 of the Constitution of India for the reasons expressed in the instant paragraph.

Finding himself in the aforesaid predicament, learned counsel for the petitioner states that liberty be granted to the petitioner to agitate his claim by filing an ordinary civil suit. The prayer of the learned counsel for the petitioner cannot be declined by this Court. It will be open to the petitioner to seek redressal of his grievance, in accordance

with law, by taking recourse to any alternative remedy including the filing of a civil suit.

Dismissed.

(J.S. Khehar)
Judge

November 9, 2006.
vig

(S.D. Anand)
Judge